

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION

1:13-cv-96

CHARLES BROWN,

Plaintiff,

v.

NANCY BERRYHILL,  
Acting Commissioner Of  
Social Security,

Defendant.

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**Order**

**THIS MATTER** is before the Court on Plaintiff's Unopposed Motion for Attorney's Fees. (Doc. No. 25).

Under 42 U.S.C. § 406(b), whenever a claimant receives a favorable judgment to a claimant represented by an attorney, the court may "allow as part of its judgment a reasonable fee for such representation, not in excess of 25 percent of the total of the past-due benefits to which the claimant is entitled." Counsel for Plaintiff has shown that she has expended 68.5 hours on Plaintiff's case and requests a fee of \$14,780.50 from the Commissioner, which is less than 25 percent of the past-due benefits to which Plaintiff is entitled. The Commissioner has not opposed this Motion and has previously indicated to Plaintiff that it does not believe this fee would result in a windfall to Plaintiff's counsel.

Upon receipt of the § 406(b) fee, Plaintiff's counsel will reimburse Plaintiff the EAJA fee of \$11,886.25 that was previously ordered by this Court. (Doc. No. 21)

It is therefore **ORDERED** that the Commissioner of Social Security pay to Plaintiff's counsel the sum of \$14,780.50 from Plaintiff's back benefits and Plaintiff's counsel pay to Plaintiff \$11,886.25. Upon the payment of such sums this case is dismissed with prejudice.

Signed: December 11, 2017

A handwritten signature in black ink, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen  
United States District Judge

